

The Corporation of the City of Kawartha Lakes

Agenda

Agricultural Development Advisory Board Meeting

ADAB2018-04

Thursday, December 13, 2018

9:30 A.M.

Economic Development Boardroom

Economic Development

180 Kent Street West, Lindsay, Ontario

Members:

Councillor Andrew Veale

Robert Bonis

Paul Brown

Phil Callaghan

Matt Hollinger

Bruce McKeown

Rebecca Parker

Matthew Pecoskie

Tim Webster

Shawn Westland

Accessible formats and communication supports are available upon request.

1.	Call to Order	
	Welcome to Council representative appointed by Council at December 11, 2018 Council meeting for 2018-2022 Term of Council.	
2.	Administrative Business	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes	4 - 7
	Adoption of the minutes of the October 11, 2018 meeting of the Agricultural Development Advisory Board.	
3.	Deputations/Presentations	
3.1	Understanding Septic Mantle/Load Area Building Code Requirements	8 - 15
	Attendance and discussion by Anne Elmhirst, Supervisor, Part 8 Sewage Systems, Building Division, City of Kawartha Lakes	
4.	Correspondence	
5.	New or Other Business	
5.1	By-Law 2018-214 Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades	16 - 43
	Attendance by Engineering, Planning and Municipal Law Enforcement Staff for a review/discussion on the new Fill By-law 2018-214 in preparation for ADAC feedback to Council in the first quarter of 2019.	
6.	Update from Economic Development Division	
6.1	Terms of Reference Updated	44 - 49
	Council will be addressing a report on December 11, 2018 which would update the Terms of Reference for non-legislated Committees of Council. If the proposed changes are adopted, the revised Terms of Reference will be circulated as a late attachment prior to the ADAB meeting.	

6.2 Kawartha Lakes Agricultural Summit - March 1, 2019

This workshop is planned to update the Kawartha Lakes Agriculture and Food Action Plan. A scoped Agriculture and Food interview and survey will precede the event to inform decision making.

6.3 Spotlight on Agriculture in Kawartha Lakes - March 22, 2019

50 - 50

Nominations are open for 2 awards to be given at this event.
Sponsorships are available. Tickets are available from the Agriculture Development Officer.

7. **News and Updates from Members**

8. **Next Meeting**

Friday, February 15, 2019 9:30 am Economic Development Boardroom.
Tentative, pending Council appointments of members.

9. **Adjournment**

The Corporation of the City of Kawartha Lakes

Minutes

Agricultural Development Advisory Board Meeting

ADAB2018-03
Thursday, October 11, 2018
9:30 A.M.
Economic Development Boardroom
Economic Development
180 Kent Street West, Lindsay, Ontario

Members:
Councillor Kathleen Seymour-Fagan
Councillor Andrew Veale
Robert Bonis
Paul Brown
Phil Callaghan
Bruce McKeown
Rebecca Parker
Matthew Pecoskie
Shawn Westland

Accessible formats and communication supports are available upon request.

1. Call to Order

Chair R. Parker called the meeting to order at 9:30am. Councillors K. Seymour Fagan and A. Veale and Members R. Bonis, P. Brown, P. Callaghan, B. McKeown, M. Pecoskie, T. Webster and S. Westland, and K. Maloney, was the recording secretary.

Absent: M. Hollinger, T. Webster

2. Administrative Business

2.1 Adoption of Agenda

Moved By Councillor Veale

Seconded By P. Brown

That the agenda be adopted as circulated.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes

Moved By P. Brown

Seconded By M. Pecoskie

That the minutes of the Agricultural Development Advisory Board meeting held on August 9, 2018, be adopted as circulated.

Carried

3. Deputations/Presentations

4. Correspondence

5. New or Other Business

5.1 Healthy Environment Plan Update

The report provided by LURA, the Healthy Environment Plan Consultants was reviewed. The committee proposed at meeting between the Consultants, ADAB members and Healthy Environment Plan Working Group members representing agriculture sector, on November 22, 2018.

Moved By P. Brown

Seconded By S. Westland

That the Report from LURA on the Agricultural items for the Healthy Environment Plan be received; and

That a meeting is requested on November 22, 2018 at 9:30 am with LURA staff to review and finalize the Agricultural Actions.

Carried

5.2 Drainage Task Force Update

A verbal report was provided by P. Brown. The Drainage Task Force Report with recommendations was passed at Council on September 25, 2018. The changes recommended will be implemented with the new term of council. This will include changes to the Terms of Reference reducing the number of council and public members.

Moved By B. McKeown

Seconded By M. Pecoskie

That the verbal report by P. Brown, regarding the Drainage Task Force, be received.

Carried

5.3 Terms of Reference Review

K. Maloney reported that Council had adopted an updated Terms of Reference template for Committees of Council as well as some recommended changes for Council representation to take effect with the new term of Council. As per the Council Policy, the committee was asked to provide any suggestions for updates to the Committee Terms of Reference.

Moved By M. Pecoskie

Seconded By P. Brown

That the Board has no recommendations for changes to the Agricultural Development Advisory Board Terms of Reference.

Carried

5.4 Removal of Soil, Placement of Fill, Alteration of Grade

Council adopted a revised Fill By-law at the Council meeting of September 25, 2018. Within the resolution adopting the updates, some of draft exemption provisions were removed as they pertained to work on agricultural lands. In addition Council requested that the amended report and recommendations be referred to the Agricultural Development Advisory Board for comment and report back to Council in Q1 2019. The Committee was asked to take time to review the report in preparation for a discussion at the December meeting.

6. Update from Economic Development Division

6.1 VIP Tour Verbal Report

The VIP Tour Committee reported on a successful tour held on September 7th. There was good attendance and the theme carried through the stops well. The attendees were very engaged and many noted that they had never been to a tree nursery before. Lunch was well done and the facilities at the Pontypool Community Centre were very good. There were good discussions and commentary on the bus during the tour. Within the attendees there was a large number of council candidates and a good mix of staff, agency partners and sitting councillors.

6.2 Kawartha Farmfest Verbal Report

Kawartha Farmfest was held on September 29th. The event was enhanced this year by an expanded marketing and promotion campaign, with more reach into the GTA and social media, all assisted by the Communications, Advertising and Marketing Division. Many of the sites also added experiences which could be purchased for an additional fee. The most popular new experiences were the vegetable picking, potato digging, horse grooming and alpaca felting. Pony rides continue to be a high demand item, with line ups most of the day. Attendance figures have not been tabulated to date, but most sites in the south half of the tour reported very strong attendance numbers.

6.3 Spotlight on Agriculture Verbal Update

The Spotlight on Agriculture in Kawartha Lakes event is now planned for March 22, 2019 at the Lindsay exhibition grounds. It will be a gala evening with a local food meal. There will be 2 awards given. Nomination forms and tickets will be available soon. Sponsorships are being accepted now to support the event. Assistance will be needed in soliciting award nominations.

7. News and Updates from Members

B. McKeown reported that the Soil & Crop trip to the Iowa Farm Progress Show was a success with 25 attending. Some of the highlights were the Kinze Innovation Centre and Cinnamon Ridge Farms as side stops.

The impacts to the dairy sector due to the USMCA trade deal have not really revealed themselves at this point. It will be more apparent as cut backs roll out in the future.

On the farm equipment side, the general negativity due to the dairy trade issue has had a negative impact on sales.

The beef industry is pleased that there was agreement reached as there was concern about the possibility of significant impact to the sector if no agreement was reached. No changes were made, so the sector remains in a stable situation.

There is currently a shortage in supply of sheep, keeping pricing strong. The fall has been busy with agricultural education at many fairs and events.

8. Next Meeting

The next meeting will be Thursday, December 13 at 9:30am in the Economic Development Boardroom.

9. Adjournment

The meeting was adjourned by the Chair at 11:10am.



Sewage Systems Loading Rate Areas

Presented by: Anne Elmhirst
Supervisor – Part 8 Sewage Systems
City of Kawartha Lakes



Ontario Building Code

• 8.7.4.1 - Loading Requirements

- The area described in Sentence 8.7.4.2(1) shall be designed such that the loading rate does not exceed, for soil having a percolation time set out in Column 1 of Table 8.7.4.1., the maximum value set out opposite it in Column 2

Column 1	Column 2
Percolation Time (T) of Soil, min	Loading Rates (L/m ²)/day
1<T≤20	10
20<T≤35	8
35<T≤50	6
T>50	4

Ontario Building Code Cont'd

- 8.7.4.2.(1) – Construction Requirements
 - A leaching bed may be constructed in leaching bed fill, if unsaturated soil or leaching bed fill extends,
 - To depth of at least 250mm over the area covered by the leaching bed fill;
 - And for at least 15 m beyond the outer distribution pipes in any direction in which the effluent entering the soil or leaching bed fill will move horizontally.



Loading Rate



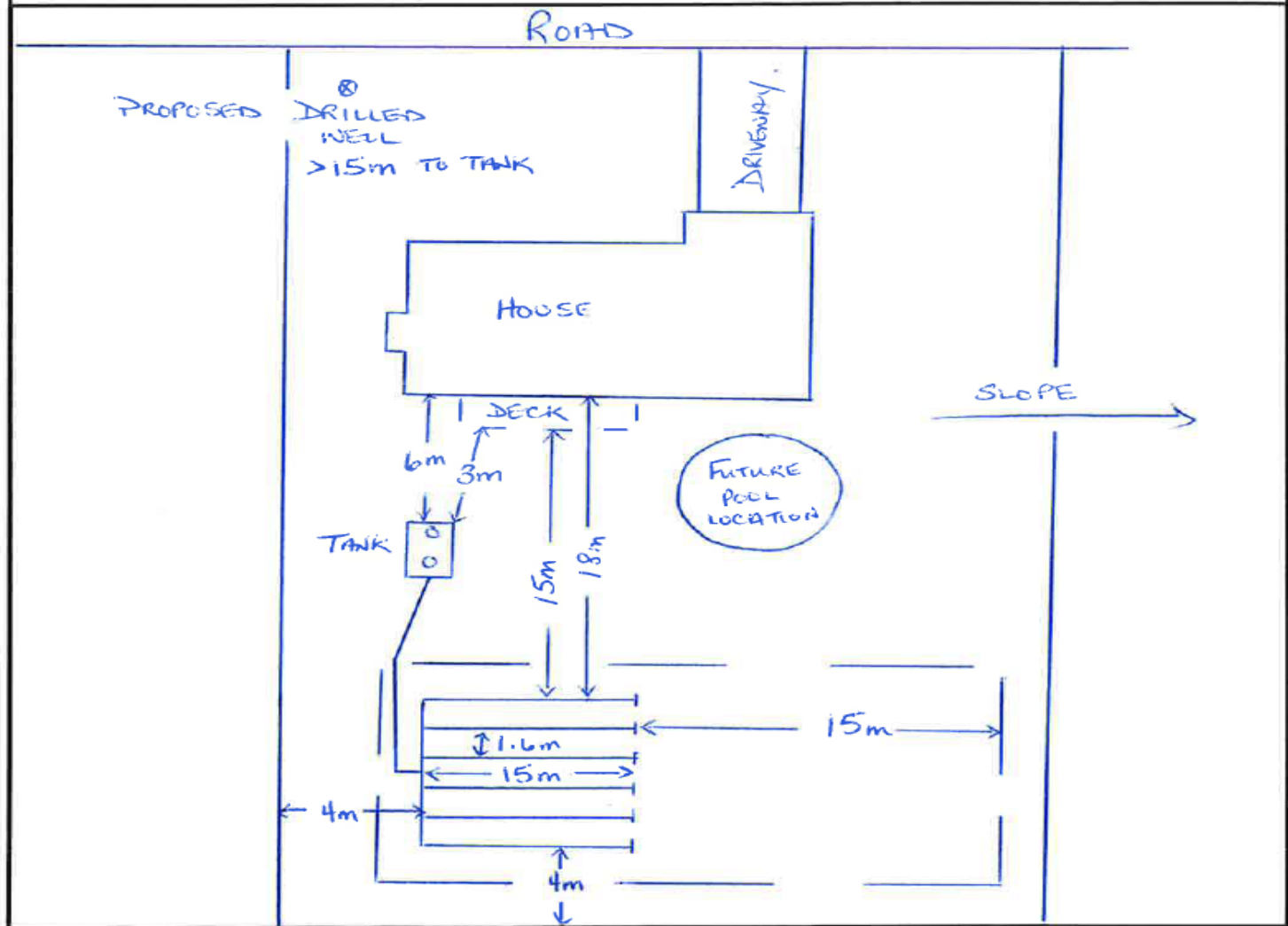
- The area combines the infiltrative loading rate and the hydraulic linear loading area.
- The size of this area is determined through a calculation that takes into consideration the native receiving soil characteristics (percolation rate) and the total daily sewage flow.
- Ultimately, a determination must be made to establish the rate that effluent can be loaded on the ground for adequate treatment while still allowing the passive horizontal movement of the liquid without causing any build-up in the leaching bed area.



Lot Diagram

Indicate North and show the following required information with proposed or existing setbacks where necessary:

- ☐ Sewage System Components (tank, bed, etc)
- ☐ Existing Sewage Systems
- ☐ Structures (Proposed or Existing, incl. pools)
- ☐ Property Lines
- ☐ Topographical Features (steep slope, swamp)
- ☐ Water Supplies (incl. neighbours) and other water features (lakes, streams, rivers, etc)
- ☐ Loading Rate Area
- ☐ 15 metre Mantle Area
- ☐ Driveways
- ☐ Direction of Slope



Note: Loading rate areas and mantles are to be free of structures.

JOHN DOE
Owner/Installer/Designer

John Doe
Signature

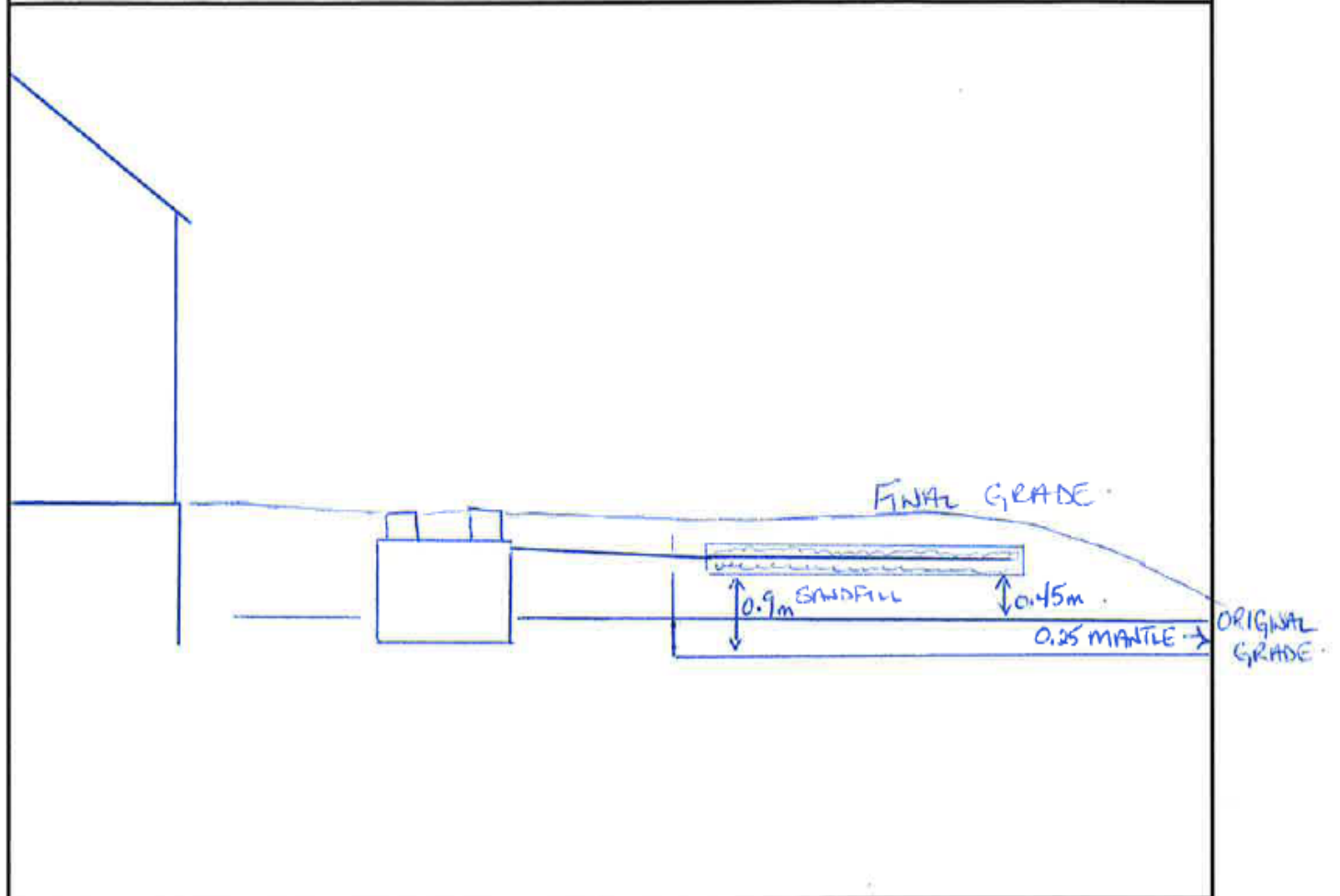
March 9, 2016
Date



Side View Diagram: (If Sewage System is Raised or Site is Sloped)

Indicate the following required information

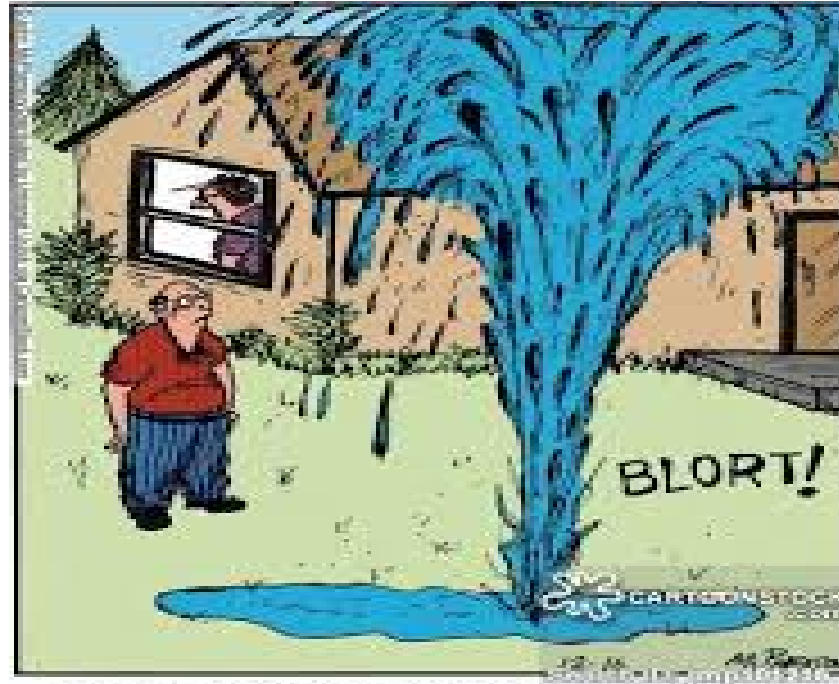
- ☐ Original Grade ☐ Finished Grade ☐ Height Above Impervious Soil, Water Table, or Bedrock
- ☐ Profile of the Materials that make up the Septic Bed and Load Rate Area (fill, filter sand, filter sand contact area, 15 m extended sand loading rate area, pipe, stone)



Constructed Loading Rate Areas



???Questions???



"Rick, I think something is wrong with the septic system. The toilet is flushing kind of slowly."

Thank-you

The Corporation of the City of Kawartha Lakes

By-law 2018-214

A By-law Repeal and Replace By-law 2012-200, Being a By-law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades

Recitals

1. Section 10(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the “Municipal Act, 2001”) authorizes a municipality to pass By-laws respecting the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;
2. Section 128 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to public nuisances;
3. Section 129 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to noise, vibration and dust;
4. Section 142 of the Municipal Act, 2001 authorizes municipal councils to pass by-laws respecting Site Alteration, including by-laws regulating the removal of Topsoil, Soil, Placement of Fill, and the alteration of the Grade of the land in any defined areas in the municipality;and
5. Council considers it in the public interest to enact a by-law regulating the removal of Soil, Placement of Fill, and the alteration of the Grade of land within the City in order to ensure that:
 - a. Existing drainage patterns are maintained and Erosion and sedimentation is prevented;
 - b. Changes to drainage or Grades are appropriate to protect natural heritage features and archaeological resources;
 - c. Interference and damage to watercourses or water bodies are prevented;
 - d. Groundwater and surface water quality is maintained;
 - e. There is no discharge of a contaminant into the natural environment that causes or may cause an Adverse Effect and that degradation of the pre-existing soil and ground water quality at the Site and on abutting and adjacent properties is prevented;

- f. Haul Routes for the transportation of Fill and Topsoil authorized for Placement, Dumping or removal will be designated to and/or from a Site by the Director to minimize damage to the City's roads and minimize interference and/or disturbance to the City's residents and businesses;
- g. Disturbance to landform characteristics are kept to a minimum;
- h. The proponent of the Site Alteration project pays for its costs; and
- i. The precautionary principle, as defined by the Bergen Ministerial Declaration on Sustainable Development (1990), is respected and applied to the issue of Site Alteration within the Municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-214.

Section 1.0 Definitions and Interpretation

1.1 Definitions:

The following definitions shall be applicable to this By-law.

- 1.1.1 **"Adverse Effect"** means as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended.
- 1.1.2 **"Agricultural Drain"** means infrastructure constructed for the purpose of draining Agricultural Land under the Drainage Act, R.S.O. 1990, c. D.17, as amended, or the Tile Drainage Act, R.S.O. 1990, c. T.8, as amended.
- 1.1.3 **"Agricultural Impact Assessment"** means a study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts, as defined by Provincial Plans.
- 1.1.4 **"Agricultural Lands"** means all lands that are used by a farming business registered under the Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c.21, as amended, for growing of crops, including nursery and horticultural crops; raising livestock; raising other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; and maple syrup production.
- 1.1.5 **"Agricultural Operation"** means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward.

- 1.1.6 **“Applicant”** means each Person who is in the process of obtaining a Permit.
- 1.1.7 **“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes.
- 1.1.8 **“Conservation Authority”** means the Kawartha Region Conservation Authority, Lake Simcoe Region Conservation Authority, Otonabee Region Conservation Authority, or the Ganaraska Region Conservation Authority, as designated by the Province as having jurisdiction within the boundaries of the City of Kawartha Lakes.
- 1.1.9 **“Contaminated Fill”** means:
- a. Fill which contains material or debris that does not naturally occur in the location of the lot or parcel of land;
 - b. any Soil that does not meet the Table 1 Standards of the “Solid, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act” as published by the Ministry of the Environment, Conservation and Parks (MOECP) dated April 15, 2011, as amended, unless the Applicant has demonstrated to the satisfaction of the Director that the existing ambient soil quality of the receiving site does not meet Table 1 Standards or that the Placing or Dumping of Soil meets Table 2 Standards would not have a detrimental effect on ground water; and
 - c. any Fill that contains putrescible material.
- 1.1.10 **“Contractor’s Yard”** means a lot, building or structure where equipment and materials of a contractor are stored or where the contractor performs activities permitted by the Zoning By-law.
- 1.1.11 **“Council” or “City Council”** means the Council of the City of Kawartha Lakes.
- 1.1.12 **“Development Agreement”** means a legal agreement between the City, an Applicant and an Owner, and including any other relevant party, which can be registered on the title of the Property.
- 1.1.13 **“Director”** means the City’s Director of Engineering and Corporate Assets, or a designate.
- 1.1.14 **“Dumping”** means the depositing of Fill in a location on properties within the City, or the movement and depositing of Fill from one location to another location and “Dump” and “Dumped” in relation to Fill have the same meaning. “Place” shall have a similar meaning.
- 1.1.15 **“Ecological Function”** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, as defined by the Provincial Plans.

1.1.16 **“Environmental Impact Study”** or **“Natural Heritage Evaluation”** means a study which shall:

- a. demonstrate that the development or Site Alteration will have no Adverse Effects on the Key Natural Heritage Feature or on the related ecological functions;
- b. identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the Key Natural Heritage Feature and its connectivity with other Key Natural Heritage Features and with Key Hydrologic Features;
- c. demonstrate how connectivity within and between Key Natural Heritage Features and Key Hydrologic Features will be maintained and, where possible, improved or restored before, during and after construction;
- d. determine whether a Minimum Vegetation Protection Zone is required, and if one is required, specify the dimensions of the required Minimum Vegetation Protection Zone, and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it; and
- e. in the case of a Key Natural Heritage Feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans (Canada).

1.1.17 **“Erosion”** means the detachment and movement of Soil, sediment or rock fragments by water, wind, ice or gravity.

1.1.18 **“Erosion and Sediment Control Plan”** means a plan as defined in Section 5.7 of this By-law.

1.1.19 **“Farmer”** means the owner or operator of an agricultural operation.

1.1.20 **“Feature”** means a Key Natural Heritage Feature and/or Key Hydrologic Feature, as defined by Provincial Plans.

1.1.21 **“Fill”** means any type of imported or relocated material deposited or Placed on the Property and includes Soil, stone, concrete, slurry, sod or turf either singly or in combination, scientifically demonstrated inert and able to pass a slump test as outlined in the General Waste Management provisions contained in Ontario Regulation R.R.O. 1990, Reg. 347: GENERAL - WASTE MANAGEMENT as amended.

1.1.22 **“Fill Operation”** means an operation that involves Placing or Dumping of Fill and shall be comprised of each of the following, as may be applicable:

- a. **“Small Fill Operation”** means an operation that involves the Placing or Dumping of up to 1,000 cubic metres of Fill.

- b. **“Large Fill Operation”** means an operation that involves the Placing or Dumping of more than 1,000 cubic metres of Fill.
- 1.1.23 **“Flood Plain”** means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.
- 1.1.24 **“Flooding”** means the inundation of areas not normally covered by water.
- 1.1.25 **“Grade”**, means the elevation of the ground surface of land and shall be comprised of the following as may be applicable:
 - a. **“Existing Grade”** means the elevation of an existing ground surface, upon which Dumping and/or Placing of Fill or other Site Alteration is proposed and of the adjacent ground surface up to three (3) metres wide surrounding such site;
 - b. **“Proposed Grade”** means the proposed elevation of the ground surface of land upon which any Fill is proposed to be Placed; and
 - c. **“Finished Grade”** means the approved elevation of ground surface of lands, upon which Fill has been placed or removed in accordance with this By-law.
- 1.1.26 **“Grading and Drainage Plan”** means a plan containing any or all of the matters and activities described in Section 5.7 of this By-law.
- 1.1.27 **“Hydrogeological Impact Study”** or **“Hydrogeological Study”** means a hydrogeologic and geotechnical review of the stratigraphy of the overburden (Soil) from ground surface to bedrock, depth to bedrock, depth to water table, aquifers, aquitards, and infiltration capacity,
- 1.1.28 **“Infrastructure”** means physical structures (facilities and corridors) that form the foundation for development, as defined by the Provincial Plans.
- 1.1.29 **“Inspector”** means any of the following staff members of the City: Director of Engineering and Corporate Assets, Director of Development Services, Director of Public Works, or a designate, Roads Supervisors in the City's Department of Public Works – Roads General Operations, and such Municipal Law Enforcement Officers as may be appointed by the City from time to time.
- 1.1.30 **“Key Hydrologic Feature”** means Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs and wetlands as defined by the Provincial Plans.
- 1.1.31 **“Key Natural Heritage Feature”** means Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat

(including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars as defined by the Provincial Plans.

- 1.1.32 **“Lake Simcoe Protection Act”** means the Lake Simcoe Protection Act, 2008 or any successor thereto.
- 1.1.33 **“Lake Simcoe Protection Plan”** means a plan established under Lake Simcoe Protection Act, 2008 or any successor thereto.
- 1.1.34 **“Landform Features”** means distinctive physical attributes of land such as slope, shape, elevation and relief as defined by the Provincial Plans.
- 1.1.35 **“Lot”** means a lot or block within a registered plan of subdivision of land or any portion of a lot or block which may be conveyed separate and distinct under the provisions of the Planning Act, or any parcel of land that may be legally conveyed as one separate and distinct parcel by an Owner.
- 1.1.36 **“Minimum Vegetation Protection Zone”** means as defined by the Provincial Plans.
- 1.1.37 **“Manager of Municipal Law Enforcement”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.
- 1.1.38 **“Municipal Act”** means the Municipal Act, 2001 or any successor thereto.
- 1.1.39 **“Municipal Storm Drainage System”** means the City’s stormwater collection and treatment system.
- 1.1.40 **“Municipal Law Enforcement Officer”** means a person appointed by Council under Section 15 of the Police Services Act to enforce the by-laws of the City, and includes any Licencing Officer.
- 1.1.41 **“Normal Farm Practice”** is defined as meaning a practice that:
- a. is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or
 - b. makes use of innovative technology in a manner consistent with Property advanced farm management practices.
- 1.1.42 **“Oak Ridges Moraine Conservation Act”** means the Oak Ridges Moraine Conservation Act, 2001 or any successor thereto.
- 1.1.43 **“Oak Ridges Moraine Conservation Plan”** means a Plan established under the Oak Ridges Moraine Conservation Act, 2001 or any successor thereto.

- 1.1.44 **“Official Plan”** means a land use policy document adopted by the council of the City by By-law, pursuant to Section 17 of the Planning Act, as amended.
- 1.1.45 **“Order”** means an order issued pursuant to the provisions of this By-law.
- 1.1.46 **“Owner”** means the registered owner of the Property in question as revealed in the Land Registry Office of the Ministry of Government and Consumer Services; any occupant of the Property in question with authority to act on behalf of the registered owner; any person authorized by the registered owner to act on his or her behalf, any mortgagee or receiver and manager or trustee in bankruptcy with possession and control of the Property may have a similar meaning to Person.
- 1.1.47 **“Permit”** means an approval issued pursuant to the provisions of this By-law.
- 1.1.48 **“Person”** means an individual, partnership, association, firm or corporation.
- 1.1.49 **“Place”** means the distribution of Fill on Property to establish a Finished Grade higher or lower than the Existing Grade and “Placing”, “Placement” and “Placed” in relation to Fill have the same meaning.
- 1.1.50 **“Ponding”** means the accumulation of surface water in an area not having drainage where the lack of drainage is caused by the Placing or Dumping of Fill or the alteration of the Grade.
- 1.1.51 **“Prime Agricultural Area”** means areas where prime agricultural lands predominate, and as defined by the Provincial Plans.
- 1.1.52 **“Prime Agricultural Land”** means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, and as defined by the Provincial Plans.
- 1.1.53 **“Qualified Person”** means a professional person who is accredited or certified with a degree in the study of relevant environmental sciences and as further defined in the Environmental Protection Act, as amended, Ontario Regulation 153/04, Records of Site Condition – Part XV.1 of the Act. The QUALIFIED PERSON may include an agrologist if soil is to be used for an agricultural purpose.
- 1.1.54 **“Rehabilitation Plan”** means a plan approved under the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended to rehabilitate a pit or quarry.
- 1.1.55 **“Retaining Wall”** means a wall designed to contain and support Fill which has a Finished Grade higher than that of abutting lands.

- 1.1.56 **“Risk Management Official”** means the Risk Management Official appointed under Part IV of the Clean Water Act, 2006, S.O. 2006, c. 22.
- 1.1.57 **“Site Alteration”** means the Placement or Dumping of Fill on land, the removal of Soil from land or the alteration of the Grade of land by any means.
- 1.1.58 **“Site Alteration Plan”** means a plan containing any or all of the matters and activities described in Schedule “B” to this By-law.
- 1.1.59 **“Soil”** means material commonly known as clay, earth, gravel, loam, rock, sand, subsoil, or any combination thereof; Topsoil may also have a similar meaning.
- 1.1.60 **“Source Water Protection Area”** or **“Source Protection Area”** means a drinking water source protection area established by subsection 4(1) or by the regulations under the Clean Water Act, 2006, S.O. 2006, c. 22.
- 1.1.61 **“Surface Water Intake Protection Zone”** means an area that is related to a surface water intake and within which it is desirable to regulate or monitor drinking water threats as defined by Ontario Regulation 287/07: GENERAL, under the Clean Water Act, 2006, S.O. 2006, c. 22, ss. 2(1), 116(3), as amended.
- 1.1.62 **“Swale”** means a shallow depression in the ground sloping to a place for the purpose of conveying surface drainage.
- 1.1.63 **“Table 1 Standards”** means the standards established in Table 1 of the “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act” published by the Ministry of Environment and Climate Change dated April 15, 2011, as amended from time to time.
- 1.1.64 **“Table 2 Standards”** means the standards established in Table 2 of the “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act” published by the Ministry of Environment and Climate Change dated April 15, 2011, as amended from time to time.
- 1.1.65 **“Topsoil”** means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.
- 1.1.66 **“Wellhead Protection Area”** means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats as defined by Ontario Regulation 287/07: GENERAL, under the Clean Water Act, 2006, S.O. 2006, c. 22, ss. 2(1), 116(3), as amended.

1.1.67 **“Zoning By-law”** means a by-law passed by the City pursuant to Section 34 of the Planning Act, as amended, and includes all Zoning By-laws for the City’s former Towns, Villages, and Townships, as amended or superseded from time to time and the City’s Oak Ridges Moraine Zoning By-law 2005-133, as amended, whichever is applicable to any land to which this By-law applies.

1.2 Interpretation:

- (a) Schedule “A” - Exemptions - is attached to and forms part of this by-law.
- (b) Schedule “B” – Site Alteration Plan – is attached to and forms part of this by-law.
- (c) Except as otherwise provided, the provisions of this By-law apply to Soil removal, Placement of Fill, and Grade alteration throughout the City.
- (d) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.3 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.4 Severability: If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.0 Regulations and Prohibitions

2.1. No Person or Owner shall remove Soil, cause or permit Fill to be Placed or removed, or perform any other form of Site Alteration in the City except in accordance with this By-law.

2.2. No Person or Owner shall, except in accordance with the provisions of a Site Alteration Permit issued by the City pursuant to this By-law;

- i. remove Soil or cause or permit the removal of Soil;
- ii. Place Fill or cause or permit Fill to be Placed; or
- iii. alter the Grade of any land or cause or permit the Grade of any land in the City to be altered.

2.3. No Owner, Person or Person acting on the behalf of an Owner shall cause or permit the removal of Soil or the Placement or Dumping of Fill or

alteration of the Grade of any land or Property within the City unless the Owner has consented in writing to the removal of Soil, Placing or Dumping of Fill or to the alteration of the Grade.

- 2.4. No Person or Owner shall permit a Property being used for storage purposes to be altered by the Placement or Dumping of Fill unless such storage is permitted as part of a Contractor's Yard pursuant to the Zoning By-law, as amended.
- 2.5. No Person or Owner shall cause or permit the removal of Soil or the Placing or Dumping of Fill or alter the Grade of any land or Property within the City that contravenes any Federal, Provincial or Municipal law, By-law, notice, Order, regulation, Permit or agreement.

Protection of the Natural Environment:

- 2.6. No Person or Owner shall cause or permit the Placing or Dumping of Fill that contains materials that are from the demolition of any structure including construction refuse or debris, toxic or hazardous materials, glass, raw sewage, or Contaminated Fill.
- 2.7. No Person or Owner shall cause or permit the Placing or Dumping of Fill that contains putrescible materials, termites and invasive species including eggs and seeds of such species.
- 2.8. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property by causing or permitting any other form of Site Alteration on land zoned as Hazard Land, Open Space or Environmental Protection zones, including exception zones thereof, as identified in the Zoning By-law, or within or adjacent to a watercourse, Flood Plain area or a wetland or other such regulated areas pursuant to O. Reg. 167/06, O. Reg. 168/06, O. Reg. 179/06, or O. Reg. 182/06 made pursuant to Section 28 of the Conservation Authorities Act, R.S.O. 1990, c. C.27 as amended, unless, approval has been issued by the Conservation Authority that has jurisdiction over such land, and/or a Permit has been issued pursuant to this By-law, as required.
- 2.9. To protect Landform Features identified in landform conservation areas 1 and 2 as defined by the Oak Ridges Moraine Conservation Plan and through the implementing Oak Ridges Moraine Zoning By-law 2005-133, as amended, no Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity may impact any land within the Oak Ridges Moraine Conservation Plan Area unless, approval has been issued by the Conservation Authority that has jurisdiction over such land, and/or a Permit has been issued pursuant to this By-law.
 - a. Small Fill Operations may be prohibited if it is determined there will be an impact to the Landform Features; and

- b. Large Fill Operations will be prohibited.
- 2.10. To protect Key Natural Heritage Features and Key Hydrologic Features, no Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity is within a Key Natural Heritage Feature, Key Hydrologic Feature, or any associated Minimum Vegetation Protection Zone as defined by the Provincial Plans unless approval has been issued by the Conservation Authority that has jurisdiction over such land (and the activity is in accordance with the approval), or a Permit has been issued pursuant to this By-law (and the activity is in accordance with the Permit).
- a. Small Fill Operations will be prohibited within the Feature, and also may be prohibited within the associated Minimum Vegetation Protection Zone if it is determined there will be an impact to the Feature; and
 - b. Large Fill Operations will be prohibited within the Feature, and may also be prohibited within the associated Minimum Vegetation Protection Zone if it is determined there will be an impact to the Feature.
- 2.11. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will likely result in Soil Erosion.

Protection of Agricultural Resources and Preservation of Drainage:

- 2.12. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will result in the blockage of a Municipal Storm Drainage System, Agricultural Drain, natural drainage system, or watercourse.
- 2.13. No Person or Owner shall cause or permit sediment or sediment laden water to be discharged, either directly or indirectly, into a Municipal Storm Drainage System, Agricultural Drain, natural drainage system, or watercourse.
- 2.14. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will result in the Flooding or Ponding of water on an abutting Property.
- 2.15. No Person or Owner shall fail to provide Erosion or sediment protection for wind and drainage run off, where such Erosion or sediment may enter onto an abutting Property.

Section 3.0 Exemptions

- 3.1 The regulations established by this By-law do not apply to the activities and matters described in **Schedule "A"**.

Section 4.0 Issuance of a Site Alteration Permit

- 4.1 An Owner or Applicant shall have a preliminary meeting with the Director and any other Persons that the Director deems necessary, in order to review the proposal to determine if a Permit could be issued under the requirements of this By-law.
- 4.2 No Person shall remove Soil, Place or Dump Fill or alter the Grade unless the alteration of Grade is established by a Site Alteration Plan as approved by the Director.
- 4.3 Every Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or contrary to the terms of a Permit shall forthwith restore the land to its original condition including the replacement of Topsoil to the Existing Grade of the land.
- 4.4 The issuance of a Permit under this By-law does not relieve the Owner or the Applicant from the obligation to secure all other applicable approvals.
- 4.5 When applying for a permit an Applicant and/or Owner shall submit the following information:
 - a. a completed application in the form prescribed from time to time by the Director in accordance with the information required in this By-law;
 - b. the Director at his or her sole discretion may require proof of liability insurance showing the City as an additional named insured. The proof of insurance must be submitted in a form satisfactory to the City;
 - c. the name, address and contact telephone number or the Owner(s) of the land upon which the Fill is to be Dumped or Placed or other Site Alteration is to occur;
 - d. the municipal address of the land on which the Fill is to be Dumped or Placed or other Site Alteration is to occur;
 - e. legal description of the land upon which the Fill is to be Dumped or Placed or other Site Alteration is to occur;
 - f. the Owner's authorization, Owner's proof to bind a corporation where applicable;
 - g. a Site Alteration Plan, based on a legal survey if required by the Director, accurately indicating:
 - i. the Property lines of the lands for the Site Alteration with dimensions,

- ii. all materials and manmade features, including top and bottom of slopes, drainage patterns, tree lines, buildings and stockpiles on the lands and within thirty (30) metres on abutting lands and water bodies,
- iii. all existing storm sewers, ditches, swales, creeks, watercourses and wetlands on the lands and on abutting lands and public highways,
- iv. all existing buildings, trees and driveways on the lands and all easements and right-of-ways over, under, across or through the lands,
- v. proposed Grade and drainage systems upon completion of the Site Alteration,
- vi. all proposed ground covering to be used upon completion of the Site Alteration operation, and
- vii. all Erosion, sediment and tree protection measures for Site Alteration operation;
- h. a copy of a Permit issued by a Conservation Authority where applicable within the City of Kawartha Lakes;
- i. a description of the Fill proposed to be Dumped or Placed including a detailed description of the source of the Fill with a letter from the party from whom the Fill is being acquired attesting that the Fill meets the requirements for clean Fill if applicable, the quantity of Fill (expressed in cubic metres), and the proposed location of the Fill on the lands. Contact information shall be included;
- j. the Permit fee, where Soil removal, Fill Placement, or Site Alteration activity associated with an application is subject to the provisions of this By-law, and shall be adjusted annually in accordance to the Consolidated Fees By-law:
 - Small Fill Operation \$600 (2018),
 - Large Fill Operation \$1,000 plus \$1.00/m³ (2018);
- k. the Permit fee, where all Soil removal, Fill Placement, or Site Alteration activity associated with an application is regulated by a Conservation Authority but impacts the City's Infrastructure, shall be adjusted annually in accordance to the Consolidated Fees By-law:
 - Small Fill Operation \$600 (2018),
 - Large Fill Operation \$1,000 (2018);
- l. for a Large Fill Operation, a Site Alteration Plan shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Property and the Plan shall include information for matters and activities described in **Schedule "B"**;

- m. when required by the Director, an Environmental Impact Study, Natural Heritage Evaluation, and/or Hydrogeological Impact Study, shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Key Natural Heritage Features and/or Key Hydrologic Features on or within 120 metres of the Property;
 - n. when required by the Director, an Agricultural Impact Assessment shall be submitted if the Site Alteration is on lands identified in the City's Official Plan or in the Provincial Agricultural System as Prime Agricultural Area, where the placement is not part of an agricultural operation or practice;
 - o. a description of the proposed quantity and type of Fill, whether it qualifies as a Table 1 Standards of Fill or a Table 2 Standards of Fill, including a list of the Fill origin sources and geotechnical reports as to content and quality, prepared by a Qualified Person in that regard. The Applicant shall demonstrate in a report how the proposed Fill Placement and type of Fill being Placed meets the existing and/or intended land uses for the Property as indicated by the City's Official Plan, relevant Zoning By-law, and/or Rehabilitation Plan approved by the Ministry of Natural Resources and Forestry;
 - p. a certificate from the Owner, Applicant and each Qualified Person referenced in paragraph 5.3 and Schedule "B" certifying that the Fill contains no contaminants as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;
 - q. a plan showing the design details to proper scale of any Retaining Wall that may be required and the dimensions of any materials to be used in construction of such Retaining Wall. A Retaining Wall plan may require a permit as defined by the Ontario Building Code; and
 - r. security in a form and amount to be determined by the Director to include 100% for the operation and removal of all required on-site works and off-site improvements associated with the Permit and \$1.00 per cubic metre of Fill being placed on the site and held in accordance to the Consolidated Fees By-law. Securities for on-site and off-site works will be refunded once the City is satisfied that the works have been completed and/or constructed to the City's satisfaction. The Fill securities will be refunded once the operation is complete and the City is satisfied that the Fill meets the Ministry of the Environment, Conservation and Parks criteria. The City reserves the right to have the Fill tested at the Applicant's and/or Owner's expense.
- 4.6 The City shall have the authority to designate all truck routes and trucking schedules, including any revisions, in order to minimize impacts to the public and municipal Infrastructure. The City shall require truck traffic to follow designated aggregate haul routes where possible. Public notification may also be required by the City.

- 4.7 An Owner or Person operating a Small Fill Operation or Large Fill Operation shall post information at the entrance to the excavation site containing the purpose of the operation, names, mailing addresses, and emergency telephone numbers of the company to which the Permit has been issued as well as sub-consultants, contractors, and trucking companies that are undertaking the work, to the satisfaction of the City. Emergency contact names and telephone numbers shall also be provided to the City as part of the permit application in Section 4.4 of this By-law.
- 4.8 Any person removing Soil, Placing or Dumping Fill, or altering Grades within the City shall implement and maintain an approved mud tracking and dust control program. As part of the Permit process, such a program shall be provided in writing to and be approved by the City and shall include the provision of mud mats and dust control measures at both the extraction and placement sites, and the continuous monitoring thereof. Where mud and dust are not controlled to the satisfaction of the City, the City may, without Order, have such mud or dust controlled by City employees or a third party contractor and such costs, plus a 30% management and administration charge in accordance to the Consolidated Fees By-law, shall be invoiced and collected as per Section 7.4 of this By-law.
- 4.9 In addition to Section 4.7, the Director may revoke the Permit until such invoices are paid in full at the sole discretion of the City.
- 4.10 The City may draw upon the security posted pursuant to Paragraph 4.4 r. to recover the costs incurred by the City in performing any required work which the Owner or the Applicant has failed to perform.
- 4.11 The City will consider a Permit for the removal of Soil, Placement of Fill, or the alteration of Grades within an area identified by a Conservation Authority, source water protection plan, or by the City's Official Plan as a Source Water Protection Area, Surface Water Intake Protection Zone or Wellhead Protection Area subject to the appropriate studies being submitted for review and approval by the relevant Conservation Authority, the Risk Management Official, and/or the City as required.
- 4.12 The City will not issue a permit to an Applicant and/or Owner if the City is made aware in advance of processing the Permit application that the Applicant or Owner has outstanding Orders for violations issued by the Ministry of the Environment, Conservation and Parks or other government agency for Property located within the City.

Section 5.0 Permit Agreement Requirements

- 5.1. The Director may, prior to the issuance of a Permit, require the Owner or Applicant or both to enter into a Development Agreement which may be registered on title to the Lot containing such requirements of this By-law as the Director considers necessary to ensure that the alteration of land or the Placing or Dumping or removal of Fill is done in accordance with the prevailing design standards of the City and proper engineering principles, and that prior to the commencement of the Placing or Dumping of Fill, a program to control mud tracking onto public roads and dust control program containing measures considered to be appropriate by the Director to control mud tracking and dust both on the Lot or other land from which the Fill is proposed to be removed and on the land on which Fill is to be Placed or Dumped and the truck routes proposed to be used by the Applicant, if any, to move the Fill to the Lot on which it is proposed to be Dumped or Placed.
- 5.2. Requirements contained in a Development Agreement may include the Owner or Applicant or both releasing and indemnifying the City, certifying that the Fill placed contains no contaminants as defined in the Environmental Protection Act, as amended, posting with the City the required security and where, in the opinion of the Director, extensive activities are proposed, certification by a geotechnical engineer or other similarly Qualified Person, both prior to the issuance of a Permit and upon completion of the work. All such certification shall state that the Owner or Applicant has complied with all of the obligations and conditions contained in the Permit.
- 5.3. The Director may at the Applicant's and/or Owner's expense, require the testing of any Fill by a Qualified Person retained by the City. Fill Removal and/or Placement of Fill operations may be suspended pending test results at the direction of the Director.
- 5.4. The City may require the Applicant and/or Owner to provide copies of prior certification that every load of Fill being placed on a Property complies with all Ministry of the Environment, Conservation and Parks Table 1 Standards or Table 2 Standards, whichever is applicable based on the zoning and/or intended use of the Property.
- 5.5. The Property Owner and/or the Applicant for which a Permit has been issued shall be solely responsible for the removal of Contaminated Fill and the Property shall not be used for the remediation or cleaning of Contaminated Fill.
- 5.6. The Director may require the Applicant and/or Owner to install such site remediation measures, including Soil Erosion and sediment control, seeding, sodding and installation of berms and landscaping, as are necessary to minimize the visual impact of Fill or Grade alteration proposals and to provide for stabilization of the altered Grades.

- 5.7. An Erosion and Sediment Control Plan shall be completed as part of the Site Alteration Plan and Permit application submitted to the Director and shall include but may not be limited to the following requirements:
- i. Project description, including the nature of the land disturbing activity;
 - ii. Condition of the existing site, including site use, topography, soil types and characteristics, vegetation, drainage system and receiving waters;
 - iii. Description of areas in the site that have potential for Erosion or sediment transportation;
 - iv. A delineation and description of measures to be taken to prevent Erosion and to retain sediment on the site, including but not limited to the designs and specifications for swales, dykes, drains, sediment control ponds, and a schedule for their continued maintenance over the project lifespan specified by the City; and
 - v. A delineation and description of the revegetative measures to be used including, but not limited to, mulches, type of seeds, the type and location of pre-existing and undisturbed vegetation types. The proposed revegetation shall consist of native, non-invasive plant species.

Section 6.0 Permit Expiry, Renewal, Transfer, and Revocation

- 6.1. A Permit shall expire 90 calendar days after the day on which it is issued pursuant to this By-law. Alternatively, an extended time frame may be approved by the Director upon request by the Owner and/or Applicant.
- 6.2. A Permit may be renewed at any time prior to its expiry for an additional 90 day period by an Applicant and/or Owner making a written application to the Director accompanied by the applicable fee as described in the City's Consolidated Fees By-Law. Any requested changes to the permit as a result of the renewal request shall be considered a new and separate permit.
- 6.3. A Permit shall not be renewed if the Applicant and/or Owner have violated the terms of a Permit previously issued by the City until the violation has been rectified.
- 6.4. A Permit shall not be transferred to a new Owner and/or Applicant unless the Director approves an amendment to the Permit by an Applicant and/or Owner making a written application to the Director accompanied by the applicable fee as described in the City's Consolidated Fees By-Law.

- 6.5. It is a condition of each Permit that the Permit shall be revoked by the Director or Municipal Law Enforcement Officer under the following circumstances:
- i. if the Permit was obtained on mistaken, false or incorrect information;
 - ii. if the Permit was issued in error;
 - iii. if the Property Owner or Property Applicant fails to comply with an Order;
 - iv. if the Owner or Applicant requests in writing that the Permit be revoked;
 - v. if the terms of a Development Agreement under this By-law have not been complied with; or
 - vi. if an Owner and/or an Applicant fails to comply with the provisions of this By-law or with an Order requiring work to be done to correct any contravention of this By-law.
- 6.6. Every Person who removes Soil contrary to this By-law or contrary to an issued Permit shall forthwith rehabilitate the land from which the Soil was removed including the replacement of the Topsoil and the restoration of the Existing Grade.
- 6.7. Every person who removes and Places Fill or who causes or permits Fill to be removed or Placed contrary to this By-law or to a Permit shall forthwith remove such Fill and restore the Grade of the land that existed prior to the Placement of Fill on the Property.
- 6.8. Every Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or to a Permit shall forthwith restore the land to its original condition including the Existing Grade of the land.

Section 7.0 Orders

- 7.1. If the Director or Municipal Law Enforcement Officer becomes aware that a contravention of this By-Law is occurring or has occurred, the Director or Municipal Law Enforcement Officer may make an Order requiring any person who is removing Soil, placing Fill, or altering the Grade of land in contravention of this By-law to discontinue the activity or to do work to correct the contravention.
- 7.2. The contents of an Order issued under the By-Law shall include:
- i. The reasonable particulars of the contravention;
 - ii. The inspection date;

- iii. The municipal address of the Property or legal description of the Property where the Order applies;
 - iv. The Owner information;
 - v. PropertyPropertyWhat must be done to rectify the contravention;
 - vi. A time period, which is not less than fourteen (14) days and is not more than sixty (60) days, in which the Order must be complied with;
 - vii. A statement that, where an Owner fails to comply with an Order within the specified time frame, a Municipal Law Enforcement Officer may, in addition to any enforcement of this By-Law, cause the City's forces to complete the work required by the Order, without further Order to the Owner; and
 - viii. Any associated fees or administration charges.
- 7.3. Orders under this By-law shall be deemed sufficient if delivered in person, by regular mail, by courier, or by registered mail to the address of the Property on which the contravention is occurring and to the last known address of the registered Owner of the Property on which the contravention is occurring, if different. Any such Order shall be conclusively deemed to have been given and received upon the same day if personally delivered or sent by facsimile, or, if mailed, delivery shall be deemed completed after three business days.
- 7.4. When a Person or Owner fails to comply with an Order issued by the Director or a Municipal Law Enforcement Officer, the City may in addition to all other remedies enter onto the Property at a reasonable time to complete the remedial work. The costs of this action, including an inspection fee as set out in the Consolidated Fees By-law, shall be added to the tax roll of the Property which is the subject matter of the Order and shall be collected in like manner as municipal taxes, or by drawing on the security provided.

Section 8.0 Enforcement and Penalties

- 8.1. **Enforcement:** This By-law may be enforced by every Municipal Law Enforcement Officer who has been designated by Council.
- 8.2. **Obstruction:** No Person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this By-law or under the Municipal Act, 2001, as amended.
- 8.3. **Offence and Penalty:** Every person who contravenes this By-law or an Order made by an officer under the authority of the Municipal Act, 2001, is guilty of an offence and, upon conviction, is liable to a fine in accordance

with the Municipal Act, 2001, and to any other applicable penalty. More specifically:

- a. Any individual person or owner who contravenes this By-law or an Order issued under this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than \$10,000, and on any subsequent conviction, to a fine of not more than \$50,000.
 - b. Any corporation who contravenes this By-law or an Order issued under this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than \$50,000, and on any subsequent conviction, to a fine of not more than \$100,000.
- 8.4. **Multiple Offences:** The conviction of a Person for the contravention of any provision of this By-law shall not operate as a bar to the prosecution against the same Person for any subsequent or continued contravention of this By-law.
- 8.5. **Court Order:** If a Person is convicted of an offence for contravening this By-law or an Order made by an officer under the authority of the Municipal Act, 2001, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other penalty, Order the Person, in such manner and within such period as the court considers appropriate to:
- i. rehabilitate the land; or
 - ii. restore the Grade of the land to its original condition.

Section 9.0 Rights of Entry

- 9.1. The Director, Municipal Law Enforcement Officers, and the City's employees and agents may enter on the Owner's land at any reasonable time for the purpose of confirming compliance with the By-law or for doing works pursuant to Section 7.4 of the By-law.

Section 10.0 General Provisions

- 10.1 **Administration:** The Director of Engineering and Corporate Assets is responsible for the administration of this By-law.
- 10.2 **Designation of Officers:** All Municipal Law Enforcement Officers and Inspectors as defined in this By-law are designated as officers for the purpose of the enforcement of this By-law.

- 10.3 **Effective Date:** This By-law comes into force on the date that it receives third reading and is passed

Section 11.00: Repeals

- 11.01 **Repeal:** By-law 2012-200, a By-law Regulating The Removal of Soil, Placement of Fill, and the Alteration of Grades, is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

SCHEDULE “A”

EXEMPTIONS

The exemptions noted below apply only to the provisions of this By-law, and do not prevent the owner and/or applicant from obtaining other required Federal, Provincial and/or municipal approvals, as required by law (including Conservation Authority Act approvals).

The provisions of this By-law do not apply to the removal or Placement of Fill or alteration of the Grade of land under the following situations:

1.0 General Exemptions

- 1.1 The use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the Environmental Protection Act, R.S.O. 1990 as amended or a waste, waste disposal or waste management system that is exempted by regulation from said Part V;
- 1.2 The construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50, as amended;
- 1.3 Emergency measures taken by the City or Conservation Authority or any other federal, provincial or governmental agency or body, to prevent Flooding, Erosion, slipping of Soil or damage of trees;
- 1.4 The activities of the City or the Conservation Authority related but not limited to the establishment or maintenance of utilities and services, roads, bridges, Flood and Erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
- 1.5 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53 of the Planning Act, R.S.O. 1990 c. P.13 as amended, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- 1.6 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act, R.S.O. 1990 c. P.13 as amended or as a requirement of an agreement entered into under that regulation;
- 1.7 Aggregate (as defined in the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended) brought onto a pit or quarry operating under a licence or wayside permit issued under that statute as part of the operations of that pit or quarry;
- 1.8 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land described in a licence and/or site plan for a pit or

quarry or a permit for a wayside pit or wayside quarry issued/approved under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended;

- 1.9 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - i. that has not been designated under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended or a predecessor of that statute; and
 - ii. on which a pit or quarry is a permitted land use under a By-law passed under Section 34 of the Planning Act, R.S.O. 1990 c. P.13 as amended;
- 1.10 Any rehabilitation or filling activity in a pit or quarry licensed under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended, and specifically addressed on the approved site plan when there is insufficient overburden retained to rehabilitate such pit or quarry in accordance with that statute;
- 1.11 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken as an incidental part of the Agricultural Drain construction or Agricultural Drain cleanout under the Drainage Act, R.S.O. 1990, c. D.17, as amended, or the Tile Drainage Act, R.S.O. 1990, c. T.8, as amended;
- 1.12 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act, 1998, S.O. 1998, c. 15, Schedule A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- 1.13 The activity is undertaken in accordance with an Order issued pursuant to the City's Property Standards By-law as amended from time to time;
- 1.14 The activity is conducted within a Contractor's Yard which imports, processes, uses, and/or sells Soil materials and which complies with the applicable City's Zoning By-law as amended;
- 1.15 The activities or matters undertaken by the City or a local board of the City, Province of Ontario, or Dominion of Canada involving the alteration of Grades or Placement of Fill on Property or public highways. These organizations shall ensure that Fill materials being removed meets all relevant Ministry of the Environment, Conservation and Parks Table 1 Standards and/or Table 2 Standards requirement. All contractors or agents working on behalf of the City or a local board of the City, Province of Ontario, or Dominion of Canada will be required to obtain approvals for the Placement of these Fill materials on private Property, with the exception of the Placement of ditching materials;
- 1.16 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53, respectively, of the Planning Act, or as a requirement of a

site plan agreement or subdivision agreement entered into under those sections;

- 1.17 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act, or as a requirement of an agreement entered into under that regulation.

The provisions of this By-law do not apply to the Removal or Placement of Fill or alteration of the Grade of land under follow situations:

2.0 Building and Development Exemptions

- 2.1 Construction where a permit authorized under the Building Code Act, 1992, S.O. 1992, c. 23, as amended, has been issued by the Chief Building Official including erection, installation, construction, demolition of a building, structure, swimming pool or on-site sewage system, where the building permit application provides sufficient information to determine that the Placing or Dumping of Fill conforms with provisions of this By-law and the amount of Fill to be Dumped or Placed pursuant to the building permit does not exceed 500 cubic metres;
- 2.2 The Placing or Dumping of Fill in an excavation to the elevation of Existing Grade following the demolition or removal of a building or structure for which a building permit has been issued;
- 2.3 The Placing or Dumping of Fill on lands for the purpose of Flood or Erosion control to establish Finished Grade shown on a Grading and Drainage Plan approved by the Conservation Authority or City in conjunction with a subdivision approval;
- 2.4 The Placing or Dumping of Fill on lands for non-residential Site Alteration involving an amount of Fill of less than two hundred (200) cubic metres on a Lot within any one-year period, provided that there is no significant change in the direction or rate of drainage to the neighboring properties, and unless the site includes or is adjacent to a body of water. Such alteration shall not take place within sixty (60) centimetres of any Property line;
- 2.5 The Placing or Dumping of Soil or Topsoil on lands zoned or used for residential purposes within the meaning of the Zoning By-Law for the purpose of lawn dressing, landscaping, adding of flowerbeds or vegetable gardens, provided that:
- a. The elevation of the land is not changed within sixty (60) centimetres of the Property line;
 - b. There is no change in the location, direction, or elevation of any natural or artificial watercourse, open channel, swale, or ditch used to drain land;
 - c. The functionality of any drainage Infrastructure is not impeded;

- d. The volume of Soil or Topsoil does not exceed one hundred (100) cubic metres in any consecutive 12 month period on a Lot which is 0.1 hectares or less; and
 - e. The volume of Soil or Topsoil does not exceed two hundred (200) cubic metres in any consecutive 12 month period on a Lot which is greater than 0.1 hectares in area.
- 2.6 The resurfacing or paving of existing driveways where there is no alteration to the existing driveway base and no significant change in the direction or rate of drainage to neighboring properties;
- 2.7 The Placing or Dumping of Fill for the construction and/or installation of a new driveway and associated works within the municipal right-of-way for a purpose where:
- a. The use is permitted by the Zoning By-law;
 - b. Driveways may not be installed in advance of the zoning use being established; and
 - c. The width of the driveway shall not exceed seven (7) metres and the depth of fill does not exceed fifteen (15) centimetres above the existing Grade.
- 2.8 One time minor widenings of existing driveways are permitted to a maximum increase in impervious area of 50% of the original driveway area.

The provisions of this By-law do not apply to the Removal or Placement of Fill or alteration of the Grade of land under follow situations:

3.0. Agricultural Exemptions

- 3.1. The provisions of this By-law do not apply to the removal of Soil, as an incidental part of a Normal Agricultural Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended, on Agricultural Lands as part of an Agricultural Operation;
- 3.2. Storage of Topsoil for the restoration of Agricultural Lands used for Normal Agricultural Practices, as an incidental part of an agricultural or horticultural operation shall not exceed one thousand (1000) cubic metres, and shall be Stored a minimum of 30 metres from any Property line and any Key Hydrologic Feature and/or Key Natural Heritage Feature.
- 3.3. The removal of Topsoil on Agricultural Lands incidental to a Normal Agricultural Practice including but not limited to removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products or other agricultural activities as per the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended. This exception does not include the removal of Topsoil for sale, exchange or other disposition;;

- 3.4. The harvesting or excavation and removal of peat and/or organic soils in a commercial operation as approved by the Conservation Authority and/or the Ministry of Natural Resources and Forestry.

Schedule “B”

Site Alteration Plan

- 1.0 A Site Alteration Plan, shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Property affected. For a Small or Large Fill Operation, the Plan must be prepared by a Professional Engineer or an Ontario Land Surveyor. The Plan shall include any or all of the matters and activities described as follows:
- i. key map showing the location of each Lot, including the nearest roadways and major intersection, and north arrow;
 - ii. where municipal pavement, ditches, culverts, sidewalks, facilities or other Infrastructure or services are impacted. The City may invoke its right to post a No Heavy Trucks route in the event that a hauler is damaging Municipal infrastructure;
 - iii. the Lot's boundaries and area (expressed in square metres and/or hectares) of each such Lot or parcel of land;
 - iv. the existing and proposed use of the land and the location and use of the buildings and other structures adjacent to each Lot. This information shall include the distance between the proposed work area and adjacent residential uses;
 - v. the location, dimensions and use of any building and other structures existing or proposed to be erected on each Lot;
 - vi. the location of all Key Natural Heritage Features, Key Hydrologic Features and/or any other environmentally sensitive features, including but not limited to: lakes, streams, rivers, wetlands, channels, ditches, other watercourses and other bodies of water including hydrologically sensitive features such as springs, seeps, etc. on and within a minimum of 120 metres beyond each Lot's boundaries;
 - vii. the location of all Regulatory Flood Lines and Conservation Authority Regulation limits;
 - viii. the location and identification of the predominant existing Soil types on and abutting the Lot within 120 metres;
 - ix. the species, Grade at base and size (in diameter at breast height) of all trees greater than 250 millimetres in calliper, all shrubs, trees and hedges within three (3) metre(s) of the Property line and driveways on each Lot and all easements and rights-of-way over, under, across or through the Lot;
 - x. the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of 30 metres beyond each Lot's boundaries;

Schedule “B” continued

Site Alteration Plan

- xi. the location and dimensions of utilities, structures, roads, highways and paving located within a minimum of 30 metres beyond each Lot's boundaries;
- xii. the existing topography on the Lot and extending a minimum of 30 metres beyond the Lot's boundaries;
- xiii. the Proposed Grades of each Lot;
- xiv. the location and dimensions of all proposed land disturbance activities, including construction of access roads;
- xv. the location and dimensions of all temporary Soil, dirt or Fill stockpiles on the Property;
- xvi. the total quantity of fill in cubic metres;
- xvii. the location, dimensions, design details and design calculations of all construction site Erosion control measures that may be necessary to minimize the impact of the proposal;
- xviii. a schedule of the anticipated starting and completion dates of each land disturbance or land development activity;
- xix. provisions for the maintenance of the construction site Erosion control and dust control measures during construction and after as required;
- xx. traffic management information including proposed daily truck traffic levels, a plan of proposed external haul routes and daily schedule for hours of hauling operations, traffic control plan and a plan showing signage as required by the City;
- xxi. the scale of drawing, ranging from 1:250 to 1:1000 as deemed appropriate, in metres;
- xxii. an indication on the drawing of directions of overland water flow and overland flow route; and,
- xxiii. any information, plans or studies required by Ontario Regulation 140/02, as amended – The Oak Ridges Moraine Conservation Plan. The City shall require a \$3,000.00 deposit should the City require the services of a Qualified Person to peer review the studies submitted by the Applicant;

Terms of Reference

Name: Agricultural Development Advisory Committee

Date Established by Council: The Agricultural Development Advisory Board initially operated under the guidance of the County of Victoria and was officially established by the Corporation of the City of Kawartha Lakes in 2004.

Mission:

The Agricultural Development Advisory Committee (ADAC) is established to provide advice and recommendations to Council and Economic Development on matters affecting the agriculture and food sector and in areas by which the Committee's involvement can benefit the overall agricultural prosperity of the City.

Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Committee Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Committee as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any

activities relating to Committee business in keeping with the Committee's Terms of Reference and established Policies.

Activities:

The following represent the general activities of the Committee:

- a) To prepare an annual written report to Council by the end of Q1 each calendar year to outline the Committee's achievements from the previous year in line with their approved work plan and to present to Council their current year work plan to include details on promotion of public education programs, review of other government reports, programs and legislation for any impacts on the City or its programs, and future City policy direction all with the view of advancing the City's adopted strategic priorities and the proposed budget.
- b) To make recommendations to Council on strategy, policies and various issues to achieve Council's strategic priorities and to optimize economic growth and the advancement of the agricultural sector while relating to the Committee's established scope of work as defined in the Terms of Reference.
- c) Review and advise Council and staff on matters related to the farm and the agricultural industry as they relate to the overall rural community.
- d) Provide such other initiative, assistance, and advice either unsolicited or as Council or staff may request.

Composition:

The Committee shall be comprised of a maximum of 11 members consisting of up to 10 members of the public and 1 Council representative(s) all of whom will have full authority to debate and vote. The Committee shall consist of a minimum of 8 members. Committee members will be appointed by Council in accordance with established policy.

Appointment of Officers:

The Committee shall, at its first meeting in each year, elect from its membership a Chair, and Vice-Chair. It is acknowledged that there are no per diems for any Committee positions and it is acknowledged that none of the above positions shall be paid for their services. All Committee members are considered volunteer positions.

Term of Appointment:

Unless exempted by legislation, members will be appointed for a term of four years with terms expiring at either the mid-term or full term of Council. Members shall continue to serve beyond the end of their term until the appointments of their successors have been approved by Council.

Resources:

The Economic Development Division will provide support in the form of advice, day-to-day liaison with the City, updates on program and promotional ideas and initial assistance in their implementation to the degree resources are available. The liaison department will also assist in the preparation and submission of budget recommendations/grant submissions, if needed and attend meetings of the Committee.

A member of staff shall be designated as Recording Secretary by the liaison department. The Recording Secretary shall prepare and publish agendas; attend all formal business Committee Meetings for the purpose of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Recording Secretary shall ensure that a current Terms of Reference for the Committee has been provided to the City Clerk's Office and is posted on the City website.

Timing of Meetings:

Meetings will be held on a set day and time as may be determined by the Committee or at the call of the Chair.

Location of Meetings:

The location of the meetings will be set by the Committee and must be held in an accessible City facility.

Meetings:

The Committee shall hold a minimum of 3 meetings in each calendar year. The Chair, through the liaison department, shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee and posted to the City website a minimum of three (3) business days prior to the date of each meeting through the

Recording Secretary. Quorum for meetings shall consist of a majority of the members of the Committee. No meeting shall proceed without quorum.

At the first meeting of each year, an Orientation Session shall be held for new members.

Working meetings throughout the year to advance the efforts of the work plan shall be held at the call of the Chair with the Chair providing notice of the working meetings to all members of the Committee a minimum of three (3) business days prior to the date of each meeting. No formal minutes are required to be taken at working meetings; however, notes shall be taken.

Procedures:

Procedures for the formal business meetings of the Committee shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Closed Meetings:

The Committee shall not be permitted to hold Closed Meetings.

Agendas and Minutes:

A copy of the Agenda shall be provided to the City Clerk's office at the same time it is provided to Committee Members. The City Clerk's office will distribute the agenda to Council members as per established procedures.

Minutes of all formal business meetings and notes from working meetings of the Committee shall be forwarded to the liaison department, and to the City Clerk's Office, not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the Economic Development Division at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

The Recording Secretary shall ensure that all Committee Agendas and Minutes are posted to the City website at the same times as they are circulated to the City Clerk's Office.

Reports:

One written report to Council is required per year from the Committee, being the work plan/budget and the previous year's annual report.

If there are recommendations of the Agricultural Development Advisory Committee that fall outside of this report, they are to be forwarded to Council, through the liaison department in a formal written report on the City report template. It will be the responsibility of the Committee Chair to provide a memo to the liaison department identifying the Committee recommendations for final preparation of the report.

Purchasing Policy:

This Committee has no purchasing or procurement responsibilities.

Insurance:

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Committee and its members. The applicable insurance policies extend to Committee members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Committee must provide, via the liaison department an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Committee members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario ("WSIB") and are responsible for their own medical, disability or health insurance coverage.

Expulsion of Member:

Any member of the Committee who misses three consecutive formal business meetings, without being excused by the Committee, may be removed from the Committee in accordance with adopted policy.

Any member of the Committee may be removed from the Committee at the discretion of Council for reasons including, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Committee Members; disrupting the work of the Committee; or other legal issues. The process for expulsion of a Committee member is outlined in the City's **Council Committee, Board and Task Force Policy**.

Terms of Reference:

The Recording Secretary shall ensure that a current Terms of Reference for the Committee has been provided to the City Clerk's Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the liaison department through a report to Council.

At the discretion of Council the Committee may be dissolved by resolution of Council.

SAVE THE DATE

Spotlight on Agriculture

Celebrating Food, Farming &
Agri-Business in Kawartha Lakes

Friday, March 22, 2019

The Commonwell Building Lindsay Exhibition Grounds

6pm Social | 7pm Dinner

\$65 ea | \$600 for a
table of 10

Includes dinner, awards & Entertainment

For tickets & information visit:

www.lindsayex.com/Spotlight

Email: Spotlight@lindsayex.com